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2   UNITED STATES DISTRICT COURT

3   EASTERN DISTRICT OF WASHINGTON

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5   JOHN BALE,   )
) No. CV-15-05026-JLQ
6   Plaintiff,   )
) ORDER GRANTING MOTION
7   ) TO VOLUNTARILY DISMISS
               vs.   ) AND CLOSING FILE
8   )
     AMANDA WESTPHAL,   )
9   WASHINGTON STATE DEPT. OF   )
     CORRECTIONS, and   )
10   JEFFREY UTTECHT,   )
)
11   Defendants.   )
)
12   _____)

13   BEFORE THE COURT is Plaintiff's Motion "Requesting Dismissal" (ECF No.

14   32) wherein Plaintiff requests to dismiss his case with leave to file at a later date.

15   Plaintiff is proceeding pro se. Defendants are represented by Assistant Attorney General

16   Cassie vanRoojen. The court construes Plaintiff's Motion as a motion for voluntary

17   dismissal without prejudice pursuant to Fed.R.Civ.P. 41(a)(2).

18   Plaintiff's Motion is dated November 17, 2015, and it appears to have been mailed

19   from the Washington Corrections Center where Plaintiff is housed on November 19,

20   2015. Also on November 19, 2015, this court issued an Order (ECF No. 31) declining

21   to adopt the Magistrate's Report and Recommendation and denying Defendants' Motion

22   to Dismiss. It appears that when Plaintiff prepared his Motion requesting voluntary

23   dismissal he believed Defendants' Motion to Dismiss was still pending. As the court's

24   Order and Plaintiff's Motion appear to have crossed in the mail, the court has waited for

25   a period of time prior to acting upon the Motion. Over 15 days have passed since the

26   Motion was filed, and Defendants have not filed a response, nor has Plaintiff sought to

27   modify or withdraw his request for dismissal. Accordingly,

28   ORDER - 1

IT IS HEREBY ORDERED:

1. Plaintiff's Motion (ECF No. 32) requesting voluntary dismissal is **GRANTED**.

2. The Clerk shall enter Judgment dismissing the Complaint and the claims therein without prejudice.

3. The Clerk shall furnish copies of this Order and the Judgment to counsel and to Plaintiff and **close this file**.

IT IS SO ORDERED.

Dated this 10th day of December, 2015.

s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
SENIOR UNITED STATES DISTRICT JUDGE

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